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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,661	03/29/2002	Andre Turnbull	273402003400	6941

7590 06/03/2005

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EXAMINER

JONES, SCOTT E

ART UNIT PAPER NUMBER

3713

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/089,661		TURNBULL, ANDRE	
	<b>Examiner</b>		<b>Art Unit</b>	
	Scott E. Jones		3713	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 12 January 2005.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-39 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-39 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 29 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All    b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on January 12, 2005 in which applicant amends claims 1-39 and responds to the claim rejections. Claims 1-39 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 10-13, 15-19, 23-30, 33, 35, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Found et al. (U.S. Pub No. 2001/0049303).

Found et al. discloses a multivenue jackpot system having a central control system which is connected via a type of communications network to multiple gaming venues. Each gaming venue has multiple electronic gaming machines and gaming machine types. Each of the gaming machines include a hard meter and a jackpot interface for linking via a venue network to a jackpot controller. The gaming machines are capable of playing in a multiple gaming machine jackpot game. The jackpot criteria can be any one of a predetermined award criteria, such as, a random time, predetermined level, usage factor, etc in order to award a prize. Found et al. additionally discloses:

Regarding Claims 1, 2, and 17:

A jackpot system for providing jackpots on electronic gaming machines (EGMs) operating in a plurality of EGM venues, the system comprising a master controller (6) located remotely from at least one of the EGM venues (26) and a networked EGM installation (30) located at each EGM

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venue, each networked EGM installation comprising one or more EGMs (28) connected via a communications network (30) to a network controller, wherein the master controller is not directly connected to the respective communications network of at least one of the EGM networks (central controller (6) is indirectly connected to gaming venue networks (30) via a communications network (4)), each networked EGM installation further comprising jackpot awarding means (jackpot controller (32)) arranged to award jackpot prizes to individual EGMs (28) in the respective EGM installation based on a predetermined trigger condition being established (a random time, predetermined level, usage factor, etc in order to award a prize) and reporting means arranged to periodically initiate a gaming activity report and communicate the gaming activity report to the master controller (Abstract, Figures 1, 3, Paragraphs 1-14, 27-30, 36, 39-40, 43, 45, 57, 59, 104, and 121-122).

Regarding Claims 3, 18, 28, 29, and 35:

- the EGM installation in each EGM venue includes a local jackpot controller (32) and a front end processor (15), such that the jackpot controller monitors EGM operation, determines the occurrence of jackpot trigger condition, maintains the prize pool information, and awards prizes from the prize pool when trigger condition occurs (Abstract, Figures 1, 3, Paragraphs 1-14, 27-30, 36, 39-40, 43, 45, 57, 59, 104, and 121-122).

Regarding Claim 4:

- the front-end processor (15) monitors the operation of the local jackpot controller (32), and the EGMs (28) in the network and gathers statistics for forwarding to the master controller in the gaming activity report (Abstract, Figures 1, 3, Paragraphs 1-14, 27-30, 36, 39-40, 43, 45, 57, 59, 104, and 121-122).

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Regarding Claims 5 and 18:

- the master controller (6) includes communication means for receiving communications from the front-end processors (15) at each EGM venue (26) and returning prize pool information to each EGM venue (Abstract, Figures 1, 3, Paragraphs 1-14, 27-30, 36, 39-40, 43, 45, 57, 59, 104, and 121-122).

Regarding Claims 6, 19, and 30:

- communication between the front-end processor and the master controller is encrypted (Paragraph 59).

Regarding Claims 10-13, 23-26, 33, and 38:

- communication between the front-end processor and the master controller is via data recorded on recordable media (Paragraph 57).

Regarding Claims 15, 27, and 39:

- the master controller (6) includes an accounting system for gathering accounting information from each of the EGM venues participating in the multiple venue jackpot system, and means for calculating jackpot pool for each venue based on gaming machine activity (hard meter inputs) at the respective EGM venues (Abstract, Figures 1, 3, Paragraphs 1-14, 27-30, 36, 39-40, 43, 45, 57, 59, 104, and 121-122).

Regarding Claim 16:

- gaming machine activity at each venue is reported to the master controller by the respective front-end processor.

Found et al. seems to lack explicitly disclosing:

Regarding Claims 1, 2, and 17:

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- jackpot awarding means based on the occurrence of a trigger condition which is determined without reference to the master controller.

Although Found et al. discloses a networked jackpot control center awards jackpots to an EGM within a selected EGM venue, it would have been obvious to have a jackpot awarding means within a particular venue, whether a local jackpot controller or other device, to award jackpots to respective EGM's without reference to the master controller. The examiner concedes Found et al. lacks explicitly disclosing jackpot awarding means based on the occurrence of a trigger condition which is determined without reference to the master controller. However, the examiner believes it would have been obvious to utilize a local jackpot controller or other device, to award jackpots to respective EGM's without reference to the master controller. Regardless of whether a local jackpot controller, remote master controller, or some other device awards jackpots to respective EGM's, the examiner asserts each is a functional equivalent to another and has the same purpose. See **MPEP § 2144.06 Art Recognized Equivalence for the Same Purpose.**

4. Claims 7-9, 20-22, 31-32, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Found et al. (U.S. Pub No. 2001/0049303).

Found et al. discloses that as discussed above regarding Claims 1-6, 10-13, 15-19, 23-30, 33, 35, and 38-39. Found et al. discloses the front-end processors connected via a LAN to the central controller also indirectly connects the central controller (6) to a WAN (4). However, Found et al. seems to lack explicitly disclosing:

Regarding Claim 7, 20, 31, and 36:

- communication between the front-end processor and the master controller is via e-mail.

Regarding Claim 8 and 21:

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- communication between the front-end processor and the master controller is transmitted over the Internet.

Regarding Claim 9, 22, 32, and 37:

- communication between the front-end processor and the master controller is via reports printed on paper.

However, it would have been obvious at the time of Applicant's invention to utilize any of the communication methods mentioned above for communication between a front-end processor and the master controller. Each of these communication methods are notoriously well known in the art. Furthermore, as mentioned in paragraph 57, multiple copies of hard meter input data and jackpot values are required in multiple physical locations in order to maintain integrity in the system. Therefore, it would have been obvious to implement the communication methods above between the front-end processor and the master controller in order to satisfy gaming authority requirements.

5. Claims 14 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Found et al. (U.S. Pub No. 2001/0049303) in view of Costello (AU-A-48323/97).

Found et al. discloses that as discussed above regarding Claims 1-6, 10-13, 15-19, 23-30, 33, 35, and 38-39. Found et al. discloses the front-end processors connected via a LAN to the central controller also indirectly connects the central controller (6) to a WAN (4). However, Found et al. seems to lack explicitly disclosing:

Regarding Claims 14 and 34:

- the front-end processor communicates with a security system including a security video camera, and the security system being responsive to the indication of the identity of each winning EGM to direct the field of view of security video cameras to the area of the respective EGM.

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Costello and Found et al. are analogous art because each teaches of a distributed gaming system that can communicate over a network. Furthermore, Costello teaches:

Regarding Claims 14 and 34:

- the front-end processor communicates with a security system including a security video camera, and the security system being responsive to the indication of the identity of each winning EGM to direct the field of view of security video cameras to the area of the respective EGM (Figure 3 and Page 6, lines 20-32).

It would have been obvious at the time of Applicant's invention to utilize the security video camera system of Costello in Found et al. One would be motivated to do so such that the central controller would be able to instantly identify a winner in a high stakes jackpot game.

#### *Response to Arguments*

6. Applicant's claim amendments and arguments with respect to the rejection to claims 1-6, 10-13, 15-19, 23-30, 33, 35, and 38-39 under 35 U.S.C. 102(e) as being anticipated by Found et al. (U.S. Pub No. 2001/0049303) have been considered but are moot in view of the new ground(s) of rejection above.

7. Applicant's arguments, see pages 2-13, filed January 12, 2005, with respect to the claim objections have been fully considered and are persuasive. The objections to the claims have been withdrawn.

8. Applicant's arguments, see pages 4-7 and 14, filed January 12, 2005, with respect to the rejections to claims 4 and 15 under 35 U.S.C. 112, second paragraph have been fully considered and are persuasive. The rejections to claims 4 and 15 under 35 U.S.C. 112, second paragraph have been withdrawn.



Regarding the rejection to claims 1-6, 10-13, 15-19, 23-30, 33, 35, and 38-39 under 35 U.S.C. 102(e) as being anticipated by Found et al. (U.S. Pub No. 2001/0049303), Applicant alleges Found et al. does not anticipate the claimed invention because the awarding of the jackpot is subject to both the control of the jackpot controller 32 as well as remotely placed jackpot control center 6, whereas, the instant invention is configured in such a way that the awarding of jackpots occurs without intervention by any remote jackpot/master controller. The examiner has reviewed each of the first, second, and third aspects of the instant invention and could not locate an explicit or implicit disclosure to "jackpot prizes [are awarded] based on the occurrence of a predetermined trigger condition which is determined without reference to the master controller." What is disclosed is a "jackpot awarding means arranged to award jackpot prizes to individual EGM's based on a predetermined trigger condition being established" (Page 1, lines 29-31, Page 2, lines 7-9 and 21-23). In the third aspect of the invention, the master controller provides the jackpots to the EGM's operating in the plurality of EGM venues. Furthermore, in each aspect of the invention disclosed, the prize pool at each EGM venue is periodically updated in response to pool information communicated from the master controller to the respective EGM installation. Therefore, the instant invention does not seem to award a jackpot without some type of communication from the master controller. Perhaps the predetermined trigger condition to award a jackpot occurs remotely from the master controller. The examiner believes the location where the predetermined trigger condition to award a jackpot, whether occurring in a remote master controller or EGM venue controller, lacks criticality based on the three disclosed aspects of the instant invention and would have been obvious to one having ordinary skill in the art to do so. Furthermore, regardless of whether a local jackpot controller, remote master controller, or some other device awards jackpots to respective EGM's,

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the examiner asserts each is a functional equivalent to another and has the same purpose. See

**MPEP § 2144.06 Art Recognized Equivalence for the Same Purpose.**

9. Applicant's disagree with the rejections to claims 7-9, 20-22, 31-32, and 36-37 under 35 U.S.C. 103(a) as being unpatentable over Found et al. (U.S. Pub No. 2001/0049303) and to claims 14 and 34 under 35 U.S.C. 103(a) as being unpatentable over Found et al. (U.S. Pub No. 2001/0049303) in view of Costello (AU-A-48323/97) for the same reasons discussed above. See item No. 8.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott E. Jones  
Primary Examiner  
Art Unit 3713

A handwritten signature in black ink that reads "Scott E. Jones". The signature is written in a cursive style with a large, looped "S" and a distinct "E".

sej